MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2021/2022

UCR2622 – CRIMINAL LAW II

(All Sections / Groups)

25th APRIL 2022
Reading Time : 2:45 p.m. – 3:00 p.m.
(15 Minutes)
Answering Time: 3:00 p.m. – 6:00 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to answer **ALL** questions in **PART A** whereas in **PART B** you are required to choose **ONE** question ONLY. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN and ORIGINAL COPY of Penal Code (Act 574) into the exam venue. “Clean” is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A (ALL QUESTIONS ARE COMPULSORY TO BE ANSWERED)

QUESTION 1

Joe and Samson were living in the same house and both of them were jobless. They decided to go shopping although did not have much money with them. When they reached the supermarket, Joe was pushing the trolley while Samson started filling up the grocery bag with items. Once Samson had finished taking all the items that he wanted, he pretended to go to the washroom, but he slowly left the supermarket and emptied all the items that he had taken from the supermarket into his car.

The security guard was busy screening everyone who entered the supermarket for Covid test so he did not see what Samson had done. Samson returned with the empty trolley and he went into the supermarket again to meet Joe.

In the meantime, Joe had befriended Molly, a female shopper and had invited her to have a drink with him. She initially agreed but later refused as she realised that he was using bad language. Her refusal had made Joe angry, so he dragged her to a corner and tried to talk to her but she started screaming. Another shopper who saw the commotion told Joe that he would call the police if he did not stop. Joe immediately let her go and walked to a shop which that sold glass dishes. Out of anger, Joe pushed down all the items that were on display. The owner saw the broken glassware and called the guard who then called the police. Both the men were arrested. During the investigation, evidence shows that Samson was suffering from poor mental health.

a) Discuss their liabilities.

(20 marks)

b) Discuss Joe's position if he did not drag Molly, but she followed him because he showed her a bottle of acid and told her that he would throw it on her if she did not follow him.

(5 marks)

(**Total 25 marks**)

QUESTION 2

By referring to relevant case law and authorities, discuss when secondary offenders under section 34 of the Penal Code will face identical punishments as the principal offenders.

(**Total 25 marks**)

Continued …

QUESTION 3

Mickey and Dusty were a couple and they did not earn very much. Dusty wanted to become rich very fast and Mickey loved jewellery so they both came to a decision that they would enter George's house and steal whatever they could. George had just moved into their neighbourhood and they realised that he was rich. Mickey however, changed her mind but Dusty wanted to carry out the act. Several days later, Dusty went over to George's house and rang the bell. George recognised Dusty and invited Dusty into his house as George wanted to be a friendly neighbour.

Once George had closed the door behind them, Dusty started threatening George, who immediately told Dusty to leave his house. Dusty ignored George and started looking round the house and finally caught hold of George and locked him in the storeroom. Dusty then called Mickey repeatedly using George's handphone. Mickey came over and was happy when she saw the house filled with fine decorations. Mickey went upstairs to George's bedroom started looking for items that she could take. She found several expensive pens and some money in the drawer and she emptied all of these items into her handbag.

While Mickey was upstairs, Dusty heard George's wife, Macbeth calling the police. He immediately took the phone from her and removed all her clothes and his clothes as well as he wanted to have sexual intercourse with her. Just as he was about to do so, Mickey came downstairs calling for him. Dusty immediately put on his clothes and pretended to look around the house and pushed Macbeth away. Assuming both of them were caught and charged.

a) Explain the crimes that Mickey and Dusty may have committed.

(20 marks)

b) Assuming Mickey gave the pens to Henry who accepted the pens after knowing that Mickey had stolen them. Discuss Henry`s liability.

(5 marks)

(**Total 25 marks**)

PART B (CHOOSE ONE OUT OF THE TWO QUESTIONS)

QUESTION 4

John had offered Tom a sum of RM25,000 in cash to buy Tom's superbike. In fact, John did not have the money as he planned to scam Tom by giving him a bounced cheque upon the delivery of the superbike. On the agreed day, Tom delivered the superbike but he was unhappy to receive a cheque instead of cash from John. However, Tom accepted the cheque after being persuaded and assured by John that it was a genuine cheque.

Continued …

Upon receiving the superbike, John went to Raju's workshop to make some modifications to the engine. Without John's knowledge, Raju had replaced the engine part with a fake one which caused the bike to be underpowered. Raju intended to sell the original part to his friend Along so that he could make more profit. John who realised Raju had done and confronted Raju. Out of anger John burned the motorcycle at Raju's workshop.

John and Raju were later arrested by police. John denied any liability against Tom as he thought that the cheque could be honoured by the bank as he still had some deposit in the bank. Raju on the other hand, claimed that he had done nothing wrong as John had agreed to the modifications that Raju was making.

Assess the liabilities of John and Raju respectively.

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(Total 25 marks)

QUESTION 5

Leo was a security guard working for Kuat Secure Co. (the Company) which had been awarded the contract to collect and deposit the daily sale collection of Kedai Emas Kaya (KEK) to be deposited at the ABCD Bank. Leo was desperate to find extra money as his wedding was to be held at the end of the month.

One day, while collecting the cash at KEK, he found a pair of gold earrings in the cash safe box. When he confirmed that no one was near him, he took the gold earrings and put them in his pocket. He later gave the gold earrings to Nina, his fiance, who was surprised as the gold earrings were worth RM 30.000 and she knew that Leo could not afford to buy them. Nevertheless, Nina accepted the gold earrings and kept them in her wardrobe.

Meanwhile, Leo's partner, Ben, suggested to Leo that they should take some of the money they had collected from KEK as their bonus since the Company had failed to pay them their bonuses for several years. They planned that Ben would ensure that some of the money was kept for them and they will share the proceeds.

On the agreed day, while Ben was executing their plan, Leo was covering him to ensure that KEK employees were not aware of their "work." They managed to get RM500 and they shared the money.

They were later probed by the Company as KEK complained about a shortage in their account at ABCD Bank. The Company found that they had breached the trust placed upon them and lodged a police report against them. They claimed that they thought they were justified under the law to take what they deserved after serving for so many years without any bonus.

Assess the criminal liabilities of all the parties.

(Total 25 marks)

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